UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,545	01/30/2001	Andrew Ahmad	1539 (4000-01900)	9262

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EXAMINER
ZHEN, LI B

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/772,545	AHMAD ET AL.
	Examiner	Art Unit
	Li B. Zhen	2126

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5 and 7-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5 and 7-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *6/22/2004*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3 – 5 and 7 – 19 are pending in the current application.

Information Disclosure Statement

2.   The information disclosure statement filed June 22, 2004 fails to comply with 37

CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each

publication or that portion which caused it to be listed; and all other information or that

portion which caused it to be listed. It has been placed in the application file, but the

information referred to therein has not been considered. A copy of the reference,

"Client/Server Programming with Java and Corba," was not provided.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

4.   Claims 1, 3 – 5 and 7 – 19 are provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 13

of copending Application No. 09/772,548 [hereinafter Application548].

    This is a provisional obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

5.   As to claim 5, Application548 teaches a computer-implemented method for

changing transactional behavior for a server [claim 5, lines 1 –2], the method

comprising:

        defining transactional behavior for a server in a first transaction policy

implemented on the server by translating the first transaction policy from a deployment

descriptor file during deployment of the server [claim 5, lines 3 – 6];

        client objects invoking a CORBA method resulting in a first defined transactional

behavior based on the first transaction policy [claim 2, lines 5 – 8];

        modifying the deployment descriptor file to a modified deployment descriptor file

to change the transactional behavior for the server [claim 5, lines 7 – 8];

        redeploying the server including implementing a modified transaction policy

translated from the modified deployment descriptor file [claim 5, lines 9 – 12];

        identical client objects employing identical invocations resulting in a second

defined transactional behavior for the server based on the modified transaction policy

which is different from the first defined transactional behavior for the server based on

the first transaction policy [claim 2, lines 22 – 27];

wherein a negative transaction policy for the server results in one of the defined

transactional behaviors which comprises a pass through of the CORBA method invoked

without completing a control object interpositioning process [claim 2, lines 22 – 23]; and,

wherein a positive transaction policy for the server results in the other of the

defined transaction behaviors which comprises completing a control object

interpositioning process for the CORBA method invoked [claim 2, lines 23 – 24].

6.   As to claim 7, Application548 teaches a computer-implemented method for

changing transactional behavior for a server [claim 5, lines 1 –2], the method

comprising:

defining transactional behavior for a server in a first transaction policy

implemented on the server by translating the first transaction policy from a deployment

descriptor file during deployment of the server [claim 5, lines 3 – 6];

client objects invoking a CORBA method resulting in a first defined transactional

behavior based on the first transaction policy [claim 2, lines 5 – 8];

modifying the deployment descriptor file to a modified deployment descriptor file

to change the transactional behavior for the server [claim 5, lines 7 – 8];

redeploying the server including implementing a modified transaction policy

translated from the modified deployment descriptor file [claim 5, lines 9 – 12];

identical client objects employing identical invocations resulting in a second

defined transactional behavior for the server based on the modified transaction policy

which is different from the first defined transactional behavior for the server based on

the first translation policy [claim 2, lines 22 – 27];

wherein the deployment descriptor file and the transaction policy translated from

the deployment descriptor file define transactional behavior for at least one CORBA

method resident on the server in addition to transactional behavior for the server [claim

5, lines 3 – 6];

wherein a negative transaction policy for the server results in one of the defined

transactional behaviors which comprises a pass through of all invocations of CORBA

methods without completing a control object interpositioning process [claim 2, lines 22 –

23]; and,

wherein a positive transaction policy for the server results in the other of the

defined transactional behavior which comprises checking the transaction policy with

respect to the specific CORBA method invoked to determine if a control object

interpositioning process should be completed [claim 2, lines 23 – 24].

7.   As to claim 8, Application548 teaches the deployment descriptor file and the

transaction policy translated from the deployment descriptor file define transactional

behavior for all CORBA methods resident on the server in addition to transactional

behavior for the server [claim 6, lines 1 – 3].

8.   As to claim 9, Application548 teaches the deployment descriptor file is stored on

the server [claim 9, lines 1 – 2].

9.   As to claim 10, Application548 teaches the deployment descriptor file is stored in a location remote from the server [claim 10, lines 1 – 2].

10.   As to claim 11, Application548 teaches the deployment descriptor file is translated by a plurality of servers to create the transaction policies for the plurality of servers [claim 11, lines 1 – 2].

11.   As to claims 1 and 12, Application548 teaches a computer-implemented method for optimizing transactional behavior of a middle-tier server between a client application and a database-tier server, the method comprising:

a middle-tier server remote from a client application creating a transaction policy on the middle-tier server by translating a deployment descriptor file [claim 1, lines 3 – 4];

a database-tier server remote from the client application creating a transaction policy on the database-tier server by translating the deployment descriptor file [claim 2, lines 3 – 4];

the client application calling a CORBA method, wherein the client resides on a system local to the client, wherein the CORBA method resides on a database-tier server remote from the client, and wherein the call comprises an Internet-ORB Protocol ("IIOP") message sent on a path to the CORBA method on a database-tier server wherein the IIOP message includes a method name for the CORBA method called [claim 1, lines 5 – 8];

an interceptor residing on the middle-tier server intercepting the IIOP message [claim 1, lines 9 – 10];

the interceptor residing on the middle-tier server checking the transaction policy for the tier status of the server [claim 1, lines 13 – 14];

the interceptor residing on the middle-tier server returning the IIOP message to its path towards the CORBA method without completing a control object interpositioning process [claim 1, lines 15 – 18];

an interceptor residing on the database-tier server intercepting the IIOP message after it has passed through the middle-tier server [claim 2, lines 15 – 16];

the interceptor residing on the database-tier server checking the transaction policy for the tier status of the server [claim 2, lines 17 – 19];

the interceptor residing on the database-tier server checking the transaction policy for the database-tier server with respect to the method name [claim 2, lines 20 – 22];

the interceptor residing on the database-tier server either invoking the called CORBA method directly or first completing a control object interpositioning process between the object representing the transaction context and an OTS spanning both the system local to the client and the database-tier server and then invoking the called CORBA method where the choice is defined by the results of the check of the transaction policy with respect to the method name [claim 2, lines 22 – 27].

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,678,696 to Helland teaches transaction processing of distributed objects with declarative transactional attributes.

U.S. Patent No. 6,343,332 to Ueda teaches a communication link information generating device for generating link information for communications in a three-tier system in which a general-purpose computer, which operates in a non-distributed object environment, is applied to a distributed object environment.

U.S. Patent No. 5,920,863 to McKeehan teaches enabling a thin client to participate in a global transaction in a distributed object-oriented transaction processing environment that commits resources according to a two-phased commit protocol.

U.S. Patent No. 6,038,589 to Holdsworth teaches a software element for receiving a registration request from the server resource requesting that the server resource be registered in a transaction and creating a distributed transaction object representing the transaction in response to receipt of the registration request.

U.S. Patent No. 6,101,527 to Lejeune teaches managing and processing object transactions in a network of distributed resources operating in the client-server mode.

U.S. Patent Publication No. 20030023577 teaches a Object Request Broker (ORB) working in the CORBA structured to handle the registration of multiple and diverse communications protocols.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768.

The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
Art Unit 2126

lbz
September 27, 2004

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER